IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6442 OF 2005

Konkan Agricultural Education
and Research Institution ... Petitioner

Versus

The State of Mah. & Ors. ... Respondents

Mr. Rajiv Patil, Sr. Advocate with Mr. Harshad Bhadbhade for Petitioner.

Mr. R.M. Patne, A.G.P. for Respondent No. 1.

Mr. P.P. Chavan i/by M/s. Little & Co. for Respondent No. 2.

CORAM : F.I. REBELLO &
MRS ROSHAN DALVI.JJ.
DATED : DECEMBER 15, 2005

P.C.

. Rule.

. It is the case of the Petitioners that in terms of the perspective plan prepared by Respondent No. 2 there is a provision for setting up of a college in the area for which the Petitioner has applied. On behalf of the Respondent No. 2 University, the learned counsel submits that the Respondent No. 3 has intimated to them that the entire procedure has

to be relooked into and fresh perspective plan should be drawn up.

. In the instant case, the limited issue is whether the Respondent No. 3 can deny to the Petitioners the application form which the Petitioners has applied for. Once in the perspective plan there is provision for setting up of a college, unless there is rule or any other provision, which enables the respondent No. 3 to reject or deny the application, such exercise will be arbitrary and violative of Article 14. In the light of that we direct Respondent No. 3 on the Petitioner's applying for the application form to give them the same and if petitioners submit the application form then to consider the same and dispose it of according to law. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(MRS. ROSHAN DALVI,J.)